

MINUTES OF MEETING  
CASS COUNTY JOINT WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JANUARY 9, 2014

The Cass County Joint Water Resource District met on January 9, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks and Chris McShane, Attorneys for the Board; Lee Beauvais and Chad Engels, Engineers for the Board; Dirk Draper, CH2M HILL Engineers, Inc.; Eric Dodds, Advanced Engineering and Environmental Services, Inc.; and Joel Lyons, USDA Wildlife Services. Michael R. Buringrud, North Cass Water Resource District, was absent.

**Minutes**

It was moved by Manager Olson and seconded by Manager Jacobson to approve the sets of minutes of the December 19 and 30, 2013, meetings, as amended. Upon roll call vote, the motion carried unanimously.

**Approval of agenda**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

**Reorganization of the Board for calendar year 2014**

It was moved by Manager Jacobson and seconded by Manager Olson to appoint the following individuals to serve in the designated capacities for calendar year 2014:

|                     |  |
|---------------------|--|
| Mark Brodshaug      | Chairman   |
| Rodger Olson        | Vice Chairman  |
| Carol Harbeke Lewis | Secretary-Treasurer                                      |
| Dan Jacobson        | North Dakota Water Coalition<br>Representative           |
| Raymond Wolfer      | North Dakota Water Coalition<br>Alternate Representative |

Upon roll call vote, the motion carried unanimously.

### **Metro Flood Diversion Project – access update**

Chris McShane updated the Board on access issues relating to the Metro Flood Diversion Project. The data base of all right-of-entry acquired is being updated, and a list of properties needed in 2014 is being drafted and should be finalized next week. Lee Beauvais said a response has not yet been received from a property owner regarding crop damage as a result of access for the project.

### **Metro Flood Diversion Project – project update**

Mr. Beauvais said design work is moving along for the Oxbow-Hickson-Bakke Subdivision Ring Levee. The Diversion Authority and the City of Fargo are working on further coordination regarding the design of the in-town levees.

Manager Brodshaug reported on a meeting he attended at Moore Engineering, Inc. to discuss project criteria and the prioritization of funds allocated from the Diversion Authority for retention. The group will meet again in February to review their discussion and to further develop the criteria.

### **Metro Flood Diversion Project – land acquisition**

Dirk Draper presented an updated map of the land acquisition progress for the Oxbow-Hickson-Bakke Subdivision Ring Levee regarding the Metro Flood Diversion Project. He will bring an expanded map to the next meeting that will show 2 parcels to the west of Oxbow that will be required for the project.

Mr. Draper distributed an updated Land Management Summary for the Board's review. He explained 2 properties which had previously been needed for the project will no longer be acquired due to changes in the position of an access road for the project.

The Request for Proposals (RFP) for real estate closing services has been published. Mr. Draper said a selection will be made by late January.

It was moved by Manager Olson and seconded by Manager Jacobson to approve Task Order No. 1 with the necessary changes to include the fee for relocation assistance in the amount of \$48,500 for the Oxbow Golf and Country Club, with Ulteig Engineers, Inc. regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Olson to:

- Recognize the three Task Orders for Houston-Moore Group (HMG) and ProSource Technologies, Inc., that this Board previously approved at its meeting on December 19, 2013, as preliminary funding to allow those firms to begin their appraisals and information storage activities;
- Authorize CH2M HILL Engineers, Inc. to enter into agreements with HMG and ProSource Technologies, Inc. to provide appraisals and other services at this time. Negotiations on the final scope, schedule and fee of Task Orders are currently underway between CH2M HILL Engineers, Inc., HMG and ProSource Technologies, Inc. Costs associated with this preliminary approval will be invoiced under the final Task Orders; and

- Note that this preliminary approval is being granted in the interest of maintaining the project schedule. The final terms will be brought back to this Board for approval and incorporated into future final Task Orders.

Upon roll call vote, the motion carried unanimously.

Mr. Draper distributed a Request for Proposals (RFP) for Farm Land Management Services for the Board's review. A farm land management firm will be needed to assist the Water Resource District and the Diversion Authority in managing property acquired for the project until disposition of the property is required for project implementation.

It was moved by Manager Olson and seconded by Manager Wolfer to approve the Request for Proposals for Farm Land Management Services, as presented. Upon roll call vote, the motion carried unanimously.

The Attorneys for the Board will work to offer recommendations for a similar proposal on the Minnesota side of the project.

Mr. Draper distributed a draft Land Acquisition Directive (LAD) for the Board's review. The purpose of the LAD, which will need to be approved by the Diversion Authority, is to provide evidence of approval and direction for the Board from the Diversion Authority regarding the acquisition of land for the project.

Sean Fredricks discussed the necessity of a formalized check list for the land acquisition process in the future for the Board to follow. He will begin working on a check list after closing companies are engaged in the project.

The Board discussed future opportunities for land acquisition after recently purchasing land for the project. Manager Brodshaug suggested holding off on the purchase of land until they drill into priorities and further develop the land acquisition budget for the Oxbow-Hickson-Bakke Subdivision Ring Levee and the in-town levees.

#### **USDA Wildlife Services – rates / availability**

Joel Lyons met with the Board to discuss the rates and availability of USDA Wildlife Services regarding animal damage control. He reviewed the scope of work and funding of the USDA. The Board will invite Jarrett Cristoferson to a future meeting to discuss his availability and rates.

#### **Maple River Dam – tree removal project**

Mr. Beauvais displayed a map showing the locations for tree removal on the Maple River Dam, and reported that American Enterprises, Inc. started work last Thursday.

#### **Drain design standards**

Chad Engels presented information on how drains are currently designed, explaining hydrology and hydraulics. The Board discussed using an official standard for designing drains.

### **Temporary right-of-way / appraisal**

Mr. Fredricks discussed situations in which the Board acquires right-of-way for projects and the potential benefits of doing appraisals beforehand. Mr. Engels agreed a lot of time is spent with landowners negotiating right-of-way and it may be beneficial to consider appraisals as part of the regular process. Mr. Engels and Mr. Fredricks will discuss the issue further and present more information at a future meeting.

Manager Olson left the meeting at this time.

### **Amenia Township Improvement District No. 74 – cost-share on Gebeke eminent domain action**

Mr. Engels reviewed information regarding the eminent domain action on Amenias Township Improvement District No. 74. The Board discussed potential cost-share on the eminent domain action considering the matter involves a policy issue that all Cass County Water Resource Districts share. The Board will invite Manager Hejl of the Rush River Water Resource District to a future meeting to discuss the matter further.

### **Reimbursement request #23 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve reimbursement request #23 from the City of Fargo from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

### **Reimbursement request #3 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020**

It was moved by Manager Wolfer and seconded by Manager Jacobson to approve reimbursement request #3 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

### **Office Issues**

It was moved by Manager Jacobson and seconded by Manager Wolfer to use the following time percentages as a guideline to separate expenses relating to all four Water Resource Districts in 2014:

|                |     |
|----------------|-----|
| Southeast Cass | 63% |
| Maple River    | 18% |
| North Cass     | 8%  |
| Rush River     | 11% |

Upon roll call vote, the motion carried unanimously.

### **Contract review – legal services**

It was moved by Manager Wolfer and seconded by Manager Jacobson to reaffirm the agreement with Ohnstad Twichell, P.C. for legal services and approve the billing rates, as presented. Upon roll call vote, the motion carried unanimously.

**Contract review – engineering services**

It was moved by Manager Jacobson and seconded by Manager Wolfer to reaffirm the agreement with Moore Engineering, Inc. for engineering services and approve the billing schedule, as presented. Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Jacobson and seconded by Manager Wolfer to approve payment of Checks #11107 through #11115, as presented. Upon roll call vote the following Managers voted in favor: Brodshaug, Jacobson, and Wolfer. Managers Olson and Buringrud were absent. The Chairman declared the motion passed.

**2014 meeting dates**

The Board discussed its regular meeting dates for the year 2014. It was moved by Manager Jacobson and seconded by Manager Wolfer to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

RESOLUTION

BE IT RESOLVED, that the Cass County Joint Water Resource District does hereby set January 23rd, the second Thursday and fourth Thursday of February through October, November 13th and December 11th at 8:00 a.m. in the Cass County Highway Department building, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, time and place for the year 2014.

BE IT FURTHER RESOLVED that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Wolfer, seconded by Manger Jacobson and unanimously carried to adjourn the meeting.

APPROVED:

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Mark Brodshaug  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer